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 BY DPTY. CLK. Kim Araud
1-13-04

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GIAO C. NGUYEN,

Defendant.

U.S. DISTRICT COURT
 DISTRICT OF MASS

Court No.

04-10074-IT

MAGISTRATE JUDGE

Collins

COMPLAINT

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, states as its complaint that:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, Giao C. Nguyen (hereinafter "Nguyen"), resides in the District of Massachusetts at 20 Quincy Street, Dorchester, MA 02121.
3. Nguyen is indebted to the United States in the principal amount of \$13,978.65 plus interest computed at the rate of 12 percent per annum for a total amount of \$14,194.65 as of January 12, 2004. Thereafter, interest on the principal amount will accrue at the rate of 12 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
4. Nguyen has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Nguyen in the principal amount of \$13,978.65; plus interest in the amount of \$216.00; plus interest on this principal at an annual rate of 12 percent per annum until the date of judgment, plus filing fee of \$150.00 pursuant to 28 U.S.C. §2412 (a)(2). The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:



CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: January 13, 2004



DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center

Rockville MD 20857

CERTIFICATE OF INDEBTEDNESS

Giao C. Nguyen
20 Quincy Street
Dorchester, MA 02121
Ref: 50140531

Total debt due United States as of December 15, 2003: \$14,194.65 (principal \$13,978.65, interest \$216.00, administrative costs \$0.00).

I certify that the Department of Health and Human Services records show that the debtor named above is indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$13,978.65 from December 15, 2003, at the rate of 12.000%. Interest accrues on the principal amount of this debt at the rate of \$4.60 per day. Interest is computed at a variable rate and is adjusted quarterly. Due to the semi-annual compounding of interest, the current principal amount is greater than the original amount borrowed.

The claim arose in connection with a Government-insured Health Education Assistance Loan (HEAL) made by a private lender and assigned to the United States.

As a student at the Tufts University School of Medicine, you applied for and were granted the following Health Education Assistance Loans (HEAL), Section 701-720 of the Public Health Service Act (42 U.S.C. 292 f-p).

<u>Date Applied</u>	<u>Date Approved</u>	<u>Amount Approved</u>	<u>Date of Promissory Note</u>	<u>Amount of Promissory Note</u>
07/07/97	10/08/97	\$9,000.00	07/07/97	\$9,000.00

You signed a promissory note agreeing to repay the loan at a variable rate of interest beginning the first day of the tenth month after ceasing to be a full-time student or completing a residency program. The American Educational Services (AES) purchased your note and received an assignment.

On November 4, 1999, you made one (1) payment totaling \$572.60.

Upon your leaving the Tufts University School of Medicine, you were granted a forbearance agreement for the period of March 1, 2000, to November 30, 2000. You were furnished a repayment schedule by the AES with notification that payments were to begin on January 12, 2001.

On May 7, 2001, the AES sent you a final demand letter to remit payment in full or your account would be filed as a default claim. You did not make any payments, nor did you respond.

Due to your failure to make payments, the AES filed an insurance claim on November 29, 2001, with the Department of Health and Human Services (DHHS). The claim in the amount of \$11,411.00 was paid on December 13, 2001, and an assignment of the note was received.



PAGE 2 - CERTIFICATE OF INDEBTEDNESS - GIAO C. NGUYEN

By letter dated March 1, 2002, you were notified that your account had been referred to OSI Collection Services for collection. You were advised that your account would be referred to the U.S. Department of Justice (DOJ) if you failed to either remit payment in full or enter into a repayment agreement (RA). You did not comply.

By letter dated March 21, 2002, you were notified that the previous holder of your Health Education Assistance Loans placed you in default and assigned your notes to the United States Government. You were informed that your student loans were consolidated using the lowest interest rate allowable by law. Enclosed were instructions for entering into a RA with notice that it must be completed and returned within thirty (30) days. You did not comply.

On September 11, 2002, and on October 10, 2003, you were notified that you had sixty (60) days in which to resolve your delinquent debt. You were advised that if you were unwilling to establish a RA, your case would be immediately referred to the Office of the Inspector General (OIG) for exclusion from participation in the Medicare/Medicaid Programs. The letter also informed you that in the event you did not enter into a RA, your debt would be referred to the DOJ for enforced collection. You did not comply.

A credit in the amount of \$372.45 was applied to your account on February 7, 2002, as the result of an overpayment to PHEAA. To date, a total amount of \$945.05, has been credited to your account.


Repeated attempts by DHHS have been unsuccessful in establishing an acceptable repayment schedule for your debt. Because of your lack of cooperation the federal government is exercising its option and declaring your note due and payable. Accordingly, your debt has now been referred to the DOJ for enforced collection.

The amount due should be remitted by check, draft or money order(s) payable to the "U.S. Department of Justice" and mailed directly to the United States Attorney, District of Massachusetts, One Courthouse Way, U.S. Courthouse, Suite 9200, Boston, MA 02210.

CERTIFICATION: Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

DEC 23 2003

Date



Barry M. Blum
Chief, Referral Control Section
Debt Management Branch